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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,347	03/18/2004	Jeffrey P. Buschmann	03-1-515-D5	5817

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01/19/2006

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Danvers, MA 01923

EXAMINER

REHM, ADAM C

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,347

Applicant(s)

BUSCHMANN ET AL.

Examiner

Adam C. Rehm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "the support frame" in Line 4.

There is insufficient antecedent basis for this limitation in the claim.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is not clear how the axially extending crevices are capable of supporting the end portions of the support.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAYER ET AL. (US 6,724,135) and COOPER ET AL. (US 5,997,154). MAYER provides:

- A sealed electric lamp capsule (20) having two or more electric in-leads (22/23);
- A support holding the lamp capsule (32);
- A reflector having an interior wall defining a cavity of rotation (10, Fig. 1), the reflector having a first edge defining a base opening (19) and a second edge defining a face opening (10, the side opposite to 19), the interior wall including one or more projections/steps offset from the face opening and extending into the defined cavity (10, portion adjacent to lens 11); the reflector enclosing the lamp capsule (Fig. 1);
- A lens located entirely in the defined cavity and spanning a cross section of the cavity adjacent the one or more projections (Fig. 1 illustrates lens 11 recessed entirely within the reflector 10), and sealed along the lens to the interior surface (11, Fig.1), and
- A threaded base providing electrical connection for the two or more electric leads and mechanical support for the support frame (41, Fig. 1 and Column 3, Lines 33-64).

4. While MAYER discloses the claimed invention, MAYER does not disclose a lens being offset from the face opening and fully recessed therefrom. However, COOPER teaches a lens recessed in a holder in order to avoid damage to the lens (Fig. 2, Column 5, Lines 33-47). It would have been obvious to one of ordinary skill in the art at the time of invention to modify MAYER and use the fully-recessed lens as taught by COOPER in order to provide a more durable lens that is resistant to damage.

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5. Claims 3, 4 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAYER ET AL. (US 6,724,135) and COOPER ET AL. (US 5,997,154) as applied to claim 1 above, and further in view of HARADEN ET AL. (US 5,254,901). MAYER provides the elements as recited above, but does not provide rigid tubes, a non-conducting body or two through passages. However, HARADEN teaches rigid tubes (304 and 305) as well as a non-conducting body (209/309, Column 2, Lines 61-68) mechanically attached/coupled/bonded via an intermediate material/adhesive (211) to and axially extending from and through two passages in a reflector base/end wall (201/301, base of reflector 201, Column 2, Line 66-Column 3, Line 2/Column 3, Lines 36-47), having electrical connections extending through the tubes (306/307/312/313) and crimped with flared ends to lock the elements to the end wall (Figs. 2 and 3) for a safe electric connection (Column 1, Lines 1-3). It is well known that an insulating or non-conducting body is required to prevent electric shock or shortage within an electrical device. As such, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the MAYER device and use the insulated tubes of HARADEN in order to safely convey leads from a light source to an energy source.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over MAYER ET AL. (US 6,724,135) and COOPER ET AL. (US 5,997,154) as applied to claim 1 above, and further in view of HARADEN ET AL. (US 5,254,901) and VAN LIER ET AL. (US 6,600,256). MAYER provides the elements as recited above, but does not provide a rigid non-conducting body or axially extending crevices.

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7. Regarding the rigid non-conducting body, HARADEN teaches a rigid non-conducting body (209/309, Column 2, Lines 61-68) that is mechanically attached/coupled/bonded via an intermediate material/adhesive (211) to and axially extending from and through a reflector base/end wall (201/301, base of reflector 201, Column 2, Line 66-Column 3, Line 2/Column 3, Lines 36-47), having electrical connections extending through the tubes (306/307/312/313) and crimped with flared ends (Figs. 2 and 3) for a safe electric connection (Column 1, Lines 1-3). It is well known that an insulating or non-conducting body is required to prevent electric shock or shortage within an electrical device. As such, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the MAYER device and use the insulated tubes of HARADEN in order to safely convey leads from a light source to an energy source.

8. Regarding the axially extending crevices, VAN LIER teaches two axially extending crevices (42, axial portion centrally located and axial end portion located at a perimeter edge) for the purpose of supporting conductor leads 43 (Column 4, Lines 9-11). It would have been obvious to one of ordinary skill in the art at the time of invention to modify MAYER and use the non-conductive body as taught by HARADEN in order to provide a safe electrical connection and crevices as taught by VAN LIER in order to provide support for the leads and electrical connection thereof.

9. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over MAYER ET AL. (US 6,724,135), COOPER ET AL. (US 5,997,154), HARADEN ET AL. (US 5,254,901) and VAN LIER ET AL. (US 6,600,256). MAYER provides:

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- A sealed electric lamp capsule (20) having two or more electric in-leads (22/23);
- A support holding the lamp capsule (32);
- A reflector having an interior wall defining a cavity of rotation (10, Fig. 1), the reflector having a first edge defining a base opening (19) and a second edge defining a face opening (10, the side opposite to 19), the interior wall including one or more projections/steps offset from the face opening and extending into the defined cavity (10, portion adjacent to lens 11); the reflector enclosing the lamp capsule (Fig. 1);
- A lens located entirely in the defined cavity and spanning a cross section of the cavity adjacent the one or more projections (Fig. 1 illustrates lens 11 recessed entirely within the reflector 10), and sealed along the lens to the interior surface (11, Fig.1), and
- A threaded base providing electrical connection for the two or more electric leads and mechanical support for the support frame (41, Fig. 1 and Column 3, Lines 33-64).

10. While MAYER discloses the claimed invention, MAYER does not disclose a lens being offset from the face opening and fully recessed therefrom, rigid tubes, a non-conducting body or axially extending crevices.

11. Regarding the recessed lens, COOPER teaches a lens recessed in a holder in order to avoid damage to the lens (Fig. 2, Column 5, Lines 33-47). It would have been obvious to one of ordinary skill in the art at the time of invention to modify MAYER and

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use the fully-recessed lens as taught by COOPER in order to provide a more durable lens that is resistant to damage.

12. Regarding the rigid tubes and non-conducting body, HARADEN teaches rigid tubes (304 and 305) as well as a non-conducting body (209/309, Column 2, Lines 61-68) that is mechanically attached/coupled/bonded via an intermediate material/adhesive (211) to and axially extending from and through a reflector base/end wall (201/301, base of reflector 201, Column 2, Line 66-Column 3, Line 2/Column 3, Lines 36-47), having electrical connections extending through the tubes (306/307/312/313) and crimped with flared ends (Figs. 2 and 3) for a safe electric connection (Column 1, Lines 1-3). It is well known that an insulating or non-conducting body is required to prevent electric shock or shortage within an electrical device. As such, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the MAYER device and use the insulated tubes of HARADEN in order to safely convey leads from a light source to an energy source.

13. Regarding the axially extending crevices, VAN LIER teaches two axially extending crevices (42, axial portion centrally located and axial end portion located at a perimeter edge) for the purpose of supporting conductor leads 43 (Column 4, Lines 9-11). It would have been obvious to one of ordinary skill in the art at the time of invention to modify MAYER and use the non-conductive body as taught by HARADEN in order to provide a safe electrical connection and crevices as taught by VAN LIER in order to provide support for the leads and electrical connection thereof.

Response to Amendment

14. The response to amendment dated 11/3/2005 has been received. The drawing objections have been withdrawn and the drawings are accepted. The claim objections have been withdrawn.

Response to Arguments

15. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

16. Applicant contends that merely recessing a lens is grounds for patentability. Notably, recessed lenses are well known in the art. Moreover, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. The rejection has been modified to evidence prior art in support of Examiner's position. The rejections are maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

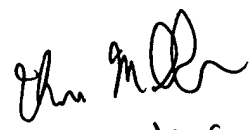
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
1/15/2006


Thomas M. Sander
Primary Examiner